

REMARKS

This amendment is submitted in response to the non-final Office action mailed on September 10, 2004. Claims 1-28 are pending in this application. In the Office Action, Claim 10 is rejected under 35 U.S.C. §112, second paragraph, Claims 1-17, 23 and 25-28 are rejected under 35 U.S.C. §102 or, alternatively, 35 U.S.C. §103, and Claims 18-23 are rejected under 35 U.S.C. §103. In response Claims 1, 4, 8, 10-11 and 13 have been amended. This amendment does not add new matter. In view of the amendments and/or for the response set forth below, Applicants respectfully submit that the rejections should be withdrawn.

In the Office Action, Claim 10 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, the Office Action alleges that in Claim 10, the means for biological sample analysis lacks positive antecedence. In response, Claims 8 and 10 have been amended to provide an antecedent basis for the biological sample analysis recited in Claim 10. Based on at least these noted reasons, Applicants believe that Claim 10 fully complies with 35 U.S.C. § 112, second paragraph. Accordingly, Applicants respectfully request that the rejection of Claim 10 under 35 U.S.C. § 112 be withdrawn.

In the Office Action, Claims 1-17, 23 and 25-28 are rejected under 35 U.S.C. §102 as anticipated by or, in the alternative, under 35 U.S.C. §103 as obvious over U.S. Patent No. 6,669,975 to Abene ("*Abene*"). Applicants respectfully disagree with and traverse these rejections for at least the reasons set forth below.

Applicants have amended Claims 1, 4, 8, 10-11 and 13 to include obtaining an individual pet profile for the pet, wherein the individual pet profile includes information based on user input and information obtained from a biological sample analysis of the pet. The amendments as discussed above are supported in the specification, for example, on page 5, paragraph 16. As an example, the biological sample analysis can determine a pet's individual reaction to a diet and the pet's ability to change its health status. *Id.* Contrary to the claimed invention, *Abene* fails to disclose an individual pet profile that includes information based on user input and information obtained from a biological sample analysis of the pet. In fact, *Abene* fails to disclose any type of biological analysis anywhere in the specification.

Accordingly, Applicants respectfully submit that the *Abene* not only fails to disclose the claimed invention, it fails to teach or suggest same. Therefore, Applicants respectfully request that the rejection of Claims 1-17, 23 and 25-28 under 35 U.S.C. §102 and §103 be withdrawn.

Claims 18-23 have been rejected under 35 U.S.C. §103. Applicants respectfully submit that the patentability of Claim 13 renders moot the obviousness rejections of Claims 18-23. In this regard, the cited art fails to teach or suggest the elements of Claims 18-23 in combination with the novel elements of Claim 13.

For the foregoing reasons, Applicants respectfully request reconsideration of the above-identified patent application and earnestly solicit an early allowance of same.

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Dated: February 9, 2005